



WHAT IS A CONDITIONAL USE PERMIT?

A Conditional Use Permit (CUP) is intended to accommodate those types of uses that don't fit neatly into any particular zoning district, and which have the potential to impact surrounding properties. Examples of uses that require a CUP include sand and gravel mining operations, certain home occupations, and most communications (cellular) towers. As part of the approval process, the Board of Adjustment can impose conditions on the proposed use to help minimize the potential impacts on surrounding property.

The Board of Adjustment, after review and recommendation by the Planning & Zoning Commission, has final authority to approve or deny a CUP application. The Board's decision must be based on the following:

- a. Does the proposed use conform to the Comprehensive Plan?
- b. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, diversion of prime agricultural land (CSR above 65) to non-agricultural uses, and soil erosion problems shall be considered.
- c. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.
- d. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
- e. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property?

The types of uses which are required to have a Conditional Use Permit, and the zoning districts in which they are allowed, are listed in Table 107-147-1 of the Unified Development Code. A pre-application meeting is required before the application will be accepted.

AMENDMENTS & MODIFICATIONS TO CONDITIONAL USE PERMITS

An application to amend an approved Conditional Use Permit may be submitted to the department. The Zoning Administrator will review the proposed changes to determine if the modifications are “insignificant,” “minor,” or “major.”

- Insignificant modifications to the approved permit are permissible upon authorization by the Zoning Administrator. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development. Fees as established for site plan reviews shall apply.
- Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment after review by the Technical Review Committee. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development. A fee in the amount of one-half of the fees as established for conditional use permits shall apply.
- All other requests for modifications to the approved permit will be processed as new Conditional Use Permit applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit. Fees as established for Conditional Use Permits shall apply.

**Questions? Contact
Linn County Planning and Development
319-892-5130**